

Licensing Panel (Licensing Act 2003 Functions)

Date: **20 January 2025**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors:** Cattell, McGregor and Pickett

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

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(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

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A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 SAINSBURYS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle
Ward Affected: Moulsecoomb & Bevendean

Tel: 0127329

Date of Publication - Friday, 10 January 2025

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For further details and general enquiries about this meeting contact Francis Mitchell, (01273 291354, email Francis.Mitchell@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject: Application for a New Premises Licence under the Licensing Act 2003

Premises: Sainsburys, Unit 1&5 Makerfield, Lewes Road, Brighton BN2 4GL

Applicant: Sainsbury's Supermarkets Ltd

Date of Meeting: 20th January 2025

Report of: Corporate Director for City Services

Contact Officer: Name: Corinne Hardcastle Tel: 01273 292100
Email: Corinne.hardcastle@brighton-hove.gov.uk

Ward(s) affected: Moulsecoomb and Bevendean

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Sainsburys.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Sainsburys.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes a new supermarket
- 3.2 Section 18 (Operating Schedule) of the application is detailed at Appendix A and the proposed plan of the premises is attached at Appendix B
- 3.3 Summary table of proposed activities

	Proposed
Supply of Alcohol	Every Day 07:00 – 23:00 Off the Premises Only
Hours premises are open to public	Every Day 00:00 – 24:00 (Amended to 07:00 – 23:00)

- 3.4 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

- 3.5** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6** 9 representations were received. They were received from local residents and Sussex Police.
- 3.7** Representations received had concerns relating to Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm. Full details of the representations are attached at Appendix C.
- 3.8** An agreement was reached between the applicant and Environmental Protection which is attached at Appendix C.
- 3.9** A map detailing the location of the premises is attached at Appendix D.

4. COMMENTARY ON THE LICENSING POLICY

- 4.1** The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1 Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from the 4th February 2021. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol.
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club.
- The provision of regulated entertainment.
- The provision of late night refreshment.

1.2 The licensing objectives are:

- (a) the prevention of crime and disorder.

- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.3 Scope

1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

3 Special Policies and Initiatives

3.3 The Matrix Approach

The Licensing Authority will support:

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

3.5 Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.

3.5.1 The special policy on cumulative impact and the special stress areas apply to off licences as explained in the matrix approach at 3.3. But in general, where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating

schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.

3.5.2 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.3) for which they receive an accreditation as a responsible retailer.

3.5.3 Areas of best practice that may be included in an Operating Schedule include

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

3.5.4 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

3.5.5 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not

exhaustive and each application will be considered on its own merits.

3.6 Street drinking

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

4 Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify

children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.

- 4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

4.3 Care, control and supervision of premises

4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of

good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

6 Prevention of Public Nuisance

The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises:

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (eg in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system

should be adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.

- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

7 Protection of Children from Harm

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass

card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.
- with a known association with drug taking or dealing.
- where there is a strong element of gambling on the premises.
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present.
- age limitations (below 18).
- limitations or exclusions when certain activities are taking place.
- requirements for an accompanying adult.
- full exclusion of people under 18.

7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

8.1.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.1.2 In line with statutory requirements and the council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.1.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.1.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search

policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

8.3 Enforcement

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 10/01/25

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 07/01/25

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Section 18 (Operating Schedule) of the Application
2. Appendix B – Proposed Plan of Premises
3. Appendix C – Representations and Environmental Protection Agreement
4. Appendix D – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, December 2023.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Appendix A

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

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Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.

2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.

5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

6. The system will display, on any recording, the correct time and date of the recording.

c) Public safety

The applicant will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Appendix B



Appendix C

REP A

CH CON ENDS 26.12.2024 VALID PCD

From: REDACTED

Sent: 17 December 2024 08:25 **To:** EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Alcohol licence objection

To whom it may concern,

As a resident in the HomeX/Furlong community development, I object to the alcohol license for:

Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

As a single woman living on her own, somewhere that was I was sold to as "safe" I would not feel safe if the Sainsbury's were to be selling alcohol late at night as it draws a certain type of person.

There have been a number of incidents that have happened for me to not feel safe already and I would consider this to be the icing on the cake if you were to allow an alcohol license.

So please consider the safety of the residents before going ahead with anything.

Thank you,

REDACTED

REP B

CH CON ENDS 26.12.2024 VALID PCD, PPN & PCH

From: REDACTED

Sent: 17 December 2024 09:00

To: EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Alcohol License Objection

To whom it may concern,

As a resident in the HomeX/Furlong community development, I object to the alcohol license for: Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

My concern is Sainsbury's is being built as a cornerstone of the residential community that houses people & family's of all ages based in the immediate area. Unfortunately Lewes Road has a problem with anti social, alcohol related behaviour, with these characters spending their days hanging around the local supermarkets, drinking, causing public nuisance and generally bringing the area down (Aldi in the neighbouring retail park, Sainsbury's 93 Lewes Road, COOP 58-62 Lewes Road). By having a license I fear these characters will be drawn to this area too. As it is a residential community, Sainsbury's are obliged, as a duty of care, to protect the local residents against nuisance and any anti social behaviour that could impact the community's well-being.

I have a young daughter, so my objections for the alcohol license are for the following reasons.

1. Prevention of public nuisance
2. Protection of children from potential harm
3. Concerns about noise disturbance
4. Concerns about anti-social behaviour linked to alcohol consumption
5. Concerns about alcohol induced crime and disorder
6. Concerns about alcohol induced harassment
7. Safety issues around the premises
8. Security issues around the premises
9. Impact on longterm general mental health and well being of residents

I hope making this representation is a way I can voice my concerns in a fair and reasonable way, and open a dialogue, whilst having the wider community's interest in mind.

I look forward to your response.

Regards

REDACTED

REP C

CH CON ENDS 26.12.2024 VALID PCD & PPN

From: REDACTED

Sent: 17 December 2024 12:29

To: EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Alcohol License Objection: The Furlong/Saunders Park View

To whom it may concern,

As a resident in the HomeX/Furlong/Saunders Park View community development, I object to the alcohol license for: Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

As a resident in the HomeX/Furlong community development, I object to the alcohol license for: Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

My concerns are based on several factors that I believe will negatively impact the local community. Firstly, the granting of this alcohol license may lead to an increase in antisocial behaviour in the area, which is already being monitored by the council following reported

incidents of hate speech. The sale of alcohol could further exacerbate tensions and disrupt the peaceful environment of our neighbourhood.

Additionally, I am concerned that it will encourage loitering and drinking in public spaces near the residential buildings. This could attract individuals who are not part of the community, creating a potential for increased disturbance and making the area less safe for residents. I believe this could lead to an overall decline in the sense of safety, with an increased risk of vandalism, as well as theft from concierge areas/car parks and bike stores as well as other criminal activity.

Furthermore, the introduction of alcohol sales may result in higher levels of noise, particularly in the evenings. As we live in close proximity to the proposed site, the noise from groups gathering, talking loudly, or playing music could significantly affect our quality of life.

I respectfully request that you consider these concerns when reviewing the application and do not permit the sale of alcohol at this premises.

Many thanks,

REDACTED

REP D

CH CON ENDS 26.12.2024 VALID PCH

From: REDACTED

Sent: 17 December 2024 11:41

To: EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Alcohol License Objection

To whom it may concern,

As a resident in the HomeX/Furlong community development, I object to the alcohol license for: Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

The reason for my concern is because I have children and would not want to encourage the drinking of alcohol near where they play or get off bus etc.

Yours sincerely

REDACTED

REP E

CH CON ENDS 26.12.2024 VALID PPN

From: REDACTED

Sent: 17 December 2024 09:04

To: EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Alcohol License Objection

To whom it may concern,

As a resident in the HomeX/Furlong community development, I object to the alcohol license for: Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

I respectfully object to the granting of an alcohol license for this establishment in our residential community. The proximity of the business to homes poses potential risks, including increased noise, safety concerns, and disruption to the peaceful nature of our neighborhood. The introduction of alcohol sales could also attract unwanted traffic and negatively impact the quality of life for local residents. I urge the licensing authority to consider these factors before approving the license.

Thank you

REDACTED

REP F

CH CON ENDS 26.12.2024 VALID PCD & PPN

From: REDACTED

Sent: 17 December 2024 21:43

To: EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Objection to Alcohol Licence Application – Sainsbury's, Units 1 & 5, Makerfield

To Whom It May Concern,

As a resident of the HomeX/4 Furlong (Flat 9) community development, I am writing to formally object to the application for an alcohol licence for Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL, which seeks permission to sell alcohol between 7am and 11pm every day.

My concerns are as follows:

1. **Impact on the Local Community:** Extended hours for alcohol sales may lead to increased noise, anti-social behaviour, and disturbances, particularly during late evening hours, which would directly impact the peaceful enjoyment of our homes.
2. **Proximity to Residential Areas:** The premises are located in close proximity to residential buildings, including HomeX and other nearby developments. Selling alcohol over such long hours raises concerns about litter, loitering, and the potential

for late-night gatherings, which could negatively affect residents' safety and well-being.

3. **Existing Alcohol-Related Challenges:** The area already experiences challenges with alcohol-related disturbances. Approving this licence could exacerbate these issues, placing additional strain on local resources and law enforcement.

While I understand the importance of supporting local businesses, I believe that the proposed extended hours for alcohol sales are excessive and incompatible with the needs of the residential community. I kindly request that the council considers limiting the hours for alcohol sales to a more reasonable timeframe that mitigates the concerns outlined above.

Thank you for considering my objection. I look forward to your response.

Yours sincerely,

REDACTED

REP G

CH CON ENDS 26.12.2024 VALID PCD

From: REDACTED

Sent: 17 December 2024 20:35

To: EHL Licensing <ehl.licensing@brighton-hove.gov.uk>

Subject: Alcohol License objection

To whom it may concern,

As a resident in the HomeX/Furlong community development, I object to the alcohol license for: Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

This store will be located within our block of flats. We have been experiencing serious security problems with homeless individuals trying to break into our bike storage, post rooms and several parcels being stolen.

This has been happening now that our residential entrances are still fenced by the construction team. We are very concerned that the situation will worsen once the site is completed. According to the plan there will be an open traffic free area outside the Sainsbury as well as a medical centre nearby with benches and recreational areas. Approving an alcohol licence would cause a high concentration of individuals with alcoholic addiction staying outside our houses day and night.

We are extremely concerned and are strongly intending to do anything we can to prevent this from happening.

Regards,

REDACTED

REP H

CH CON ENDS 26.12.2024 VALID PCD, PPN & PCH

Dear, to whom it may concern,

I am a resident of the HomeX/Furlong community development, and I am writing to formally object to the application for an alcohol license at Sainsbury's, Units 1 & 5, Makerfield, Lewes Road, Brighton BN2 4GL.

My primary concern is that Sainsbury's, as a new establishment within a residential area, will become a focal point for anti-social and alcohol-related behaviour. Lewes Road already experiences significant issues with individuals who gather around nearby supermarkets such as Aldi, Sainsbury's at 93 Lewes Road, and the Co-op engaging in disruptive behaviour that includes public drinking, causing nuisance, and negatively affecting the local environment.

The introduction of an alcohol license at this new location could attract similar behaviour, which would further degrade the quality of life for local residents, particularly in a family-oriented community.

My objections to the alcohol license are based on the following concerns:

- Prevention of public nuisance
- Protection of children from harm
- Noise disturbance
- Anti-social behaviour related to alcohol consumption
- Increased risk of alcohol-fuelled crime and disorder
- Alcohol-related harassment
- Safety and security risks at the premises
- Negative impact on the long-term mental health and well-being of the community

I hope that this letter serves as an opportunity to express my concerns in a constructive manner, with the wider community's welfare in mind.

I trust that my objections will be given serious consideration, and I look forward to engaging in a dialogue that addresses these important issues.

Thank you for your attention to this matter.

REDACTED

Police Station
John Street
Brighton

Email: brighton.licensing@sussex.police.uk

23rd December 2024

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

Dear Corinne Hardcastle,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR SAINSBURY'S, UNIT 1, 25
MAKERFIELD, LEWES ROAD, BRIGHTON, EAST SUSSEX, BN2 4GL UNDER THE
LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Children from Harm.

Sussex Police have consulted with the applicant and firstly they have agreed to reduce the opening hours of the premises and bring them in line with the proposed hours of retail sale of alcohol which is 07:00 – 23:00 7 days a week. Should this licence be granted we ask that the council take these new opening hours on board and apply them to the licence.

We have not however been able to reach an agreement currently on worded conditions. Conditions that we feel are necessary to promote the licensing objectives.

Therefore Sussex Police invite the licensing committee to grant the licence with the following conditions:

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

Prevention of crime and disorder

2. There shall be no sale of beer, lager, cider or perry with an ABV content of 5.5% ABV or above save for craft and premium beer, lager, cider and perry.
3. All beer, lager and cider cans excluding premium and craft brands, will only be sold in multipacks of 4 or more cans.
4. The licence holder will ensure subject to compliance with Data Protection legislation that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.

The system will be operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space and will be capable of providing an image which is regarded as identification standard.

The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.

A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.

The system will display, on any recording, the correct time and date of the recording.

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

5. SIA licensed door security shall be employed on any occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Events e.g. Football, Pride, Music Events. The written risk assessment will be available on the

premises for inspection by police and authorised officers of the Licensing Authority.

6. The premises will become a member of the Brighton Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and nighttime economy.
7. An incidents register shall be maintained at the premises recording:
 - all incidents of crime and disorder occurring at the premises.
 - details of occasions when the police are called to the premises.

This register will be available for inspection by a police officer (or other authorised officer) on request.

All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:

- details of the time and date the refusal was made.
- the identity of the staff member refusing the sale.
- details of the alcohol the person attempted to purchase.

This register will be available for inspection by a police officer [or other authorised officer] on request.

Prevention of public nuisance

8. The management will ensure that delivery vehicles waiting or arriving to collect customers' orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths.

Protection of children from harm

9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
10. Signage advertising age verification will take place will be displayed in prominent locations in the premises.
11. (a) The Premises Licence Holder / Management shall ensure that all staff members engaged or to be engaged in selling, serving, or delivering alcohol shall receive induction training. If this training is to be conducted in electronic form, it will at a

minimum also include a face-to-face discussion session. This training will take place prior to the selling, serving or delivering of such products and will include:

*The lawful selling of age restricted products including but not limited to, the requirement for the staff member conducting the transaction to ensure they do Challenge 25 checks regardless of any other staff member / door staff checks that may already have taken place.

*Refusing the sale of alcohol to a person who is drunk.

(b)Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

(c)All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Deliveries:

12. The premises licence holder will ensure that all delivery couriers employed directly by the licence holder will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
13. The premises licence holder will further ensure that the age verification policy will apply whereby all 3rd party courier contractors will ensure that couriers will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
14. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the courier will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the courier is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
15. Delivery of alcohol shall be to a residential address or place of work specified in the customer order. The delivery of alcohol must be by way of hand over to a person.
16. Staff handing over products for delivery via 3rd party courier contractors will ensure that all orders containing alcohol are delivered by riders/drivers who have a registered account with the delivery firm being used as an account holder. And that the person in front of them is the named person on the account.

17. All riders shall be required to remove helmets and or face coverings whilst picking up items for delivery (excluding any face coverings worn for faith religious reasons).

Upon receipt of agreement to the above conditions from the applicant's representative, and accordingly subject to the Licensing Authority agreeing to apply these conditions to the premises licence, Sussex Police would be in a position to withdraw this representation.

Yours sincerely,

REDACTED

Insp Daniel Eagle

Ops Planning and Events (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

Agreed conditions between EP and Applicant

Prevention of public nuisance:

--Deliveries to the premises shall not take place between the hours of 21:00 – 06:00 daily.

--Recycling and rubbish should not be placed outside or collected from the premises between the hours of 21:00 – 06:00 daily.

--Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

--The management will ensure that delivery vehicles waiting or arriving to collect orders will be parked/waiting legally and not causing a public nuisance by way of obstructing the highway or footpaths.

Appendix D



